

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Case No. 5:22-CV-00519-M-RJ

RICHARD POLIDI,)
)
Plaintiff,)
)
v.)
)
BOENTE et al.,)
)
Defendants.)
)

ORDER

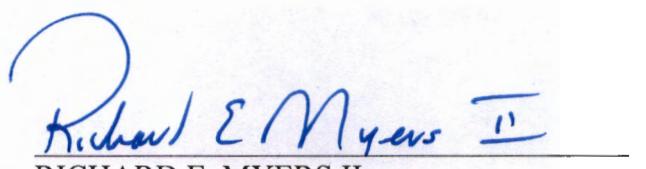
This matter comes before the court on the memorandum and recommendation (the “Recommendation”) entered by Magistrate Judge Robert B. Jones, Jr. in this case on June 28, 2024 [DE 93]. In the Recommendation, Judge Jones recommends that the court grant two motions to dismiss filed by Defendants [DE 32; DE 73], deny as moot Plaintiff’s motion for an extension of time [DE 91], and grant Defendants’ motion for an extension of time [DE 80]. DE 93 at 55. The Recommendation, along with instructions and a deadline for filing objections, was served on the parties on May 1. *See id.* at 56. No party objected to the Recommendation. *See* Docket Entries dated June 28, 2024, to present.

A magistrate judge’s recommendation carries no presumptive weight. The court “may accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1); *accord Mathews v. Weber*, 423 U.S. 261, 271 (1976). The court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* § 636(b)(1). Absent a specific and timely objection, the court reviews only for “clear

error" and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the Recommendation and the record presented, and finding no clear error, the court ADOPTS the Recommendation of Judge Jones as its own. For the reasons stated therein, Defendants' motions to dismiss [DE 32; DE 73] are GRANTED, Plaintiff's motion for an extension of time [DE 91] is DENIED AS MOOT, and Defendants' motion for an extension of time [DE 80] is GRANTED. As a result of this order, Plaintiff's motion to set aside [DE 69] this court's order denying Plaintiff's motion to stay (DE 64) is DENIED AS MOOT. The Clerk of Court is directed to close this case.

SO ORDERED this 26th day of July, 2024.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE